



Ontario County Clerk Recording Page

Return To

ANDREW JOHN CONNELLY
420 Franklin Street
Buffalo, NY 14202

Matthew J. Hoose, County Clerk
Ontario County Clerk
20 Ontario Street
Canandaigua, New York 14424
(585) 396-4200

Document Type: **SUMMONS + COMPLAINT**

Receipt Number: 536638

Plaintiff

JOHNSON, KORRIE

Defendant

BARNETT OUTDOORS LLC

Fees

Total Fees Paid: \$0.00

Control #: 202103190023
Index #: 128998-2021

State of New York
County of Ontario

EFiling through NYSCEF with a total page count of 7.

A handwritten signature in black ink that reads "Matthew J. Hoose".

Ontario County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONTARIO

KORRIE JOHNSON,
4345 Shortsville Road 34
Shortsville, New York 14548

Plaintiff,

SUMMONS

v.

Index No. _____

BARNETT OUTDOORS, LLC
800 West Main Street
Plano, Illinois 60545

Defendant.

YOU ARE HEREBY SUMMONED, to answer the Complaint in this action and serve a copy of your Answer, or if the Complaint is not served with this Summons to serve a Notice of Appearance on the Plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, where service is made by delivery upon you personally within the State, or within thirty (30) days after the completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

The trial of this action is to be held in the County of Ontario.

Dated: March 18, 2021
Buffalo, New York

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC

By: /s/ Andrew J. Connelly
Andrew J. Connelly, Esq.
Attorneys for Plaintiff
Office and Post Office Address
420 Franklin Street
Buffalo, New York 14202
Telephone: (716) 842-2200

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONTARIO

KORRIE JOHNSON,
4345 Shortsville Road 34
Shortsville, New York 14548

Plaintiff,

COMPLAINT

v.

Index No. _____

BARNETT OUTDOORS, LLC
800 West Main Street
Plano, Illinois 60545

Defendant.

Plaintiff, KORRIE JOHNSON, by his attorneys, Andrews, Bernstein, Maranto & Nicotra, PLLC for his complaint against the Defendant, alleges as follows:

1. That upon information and belief, at all times hereinafter mentioned, Plaintiff KORRIE JOHNSON was and is a resident of the Village of Shortsville, County of Ontario, State of New York.
2. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC was and is a foreign limited liability company duly authorized to transact business within the State of New York, and does transact business within the State of New York, with its principal place of business located in Plano, Illinois.
3. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC contracts to supply goods or services in the State of New York.
4. That the Barnett Brotherhood 360 Crossbow (hereinafter "the crossbow") is a product purchased and utilized within the County of Ontario, State of New York.

5. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC designed the crossbow involved in the incident hereinafter described.

6. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC manufactured the crossbow involved in the incident hereinafter described.

7. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC marketed the crossbow involved in the incident hereinafter described.

8. That upon information and belief and at all times hereinafter mentioned, Defendant, BARNETT OUTDOORS, LLC distributed the crossbow involved in the incident hereinafter described.

9. That upon information and belief and at all times hereinafter mentioned, on or about October 6, 2020, Plaintiff, KORRIE JOHNSON, was utilizing the crossbow in the County of Ontario, State of New York.

10. That Plaintiff, KORRIE JOHNSON, while in the process of utilizing the aforementioned crossbow, was caused to suffer permanent and serious injuries.

11. That said incident occurred through no fault, neglect or carelessness on the part of the Plaintiff contributing thereto.

12. That said incident was caused by the negligence, carelessness, and recklessness of Defendant, BARNETT OUTDOORS, LLC, in that it negligently, carelessly, and recklessly designed, manufactured, tested, marketed and sold the aforementioned crossbow.

13. That as a result of the negligence, carelessness, and recklessness of Defendant,

BARNETT OUTDOORS, LLC, Plaintiff, KORRIE JOHNSON, was permanently and seriously injured, all to his damage in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS A SECOND, SEPARATE AND DISTINCT CAUSE OF ACTION ON BEHALF OF
PLAINTIFF AGAINST DEFENDANT BARNETT OUTDOORS, LLC**

14. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs "1" through "13" above as if set forth fully herein.

15. That the aforementioned crossbow that caused Plaintiff's injuries was defectively designed, manufactured, tested, marketed and sold by Defendant, BARNETT OUTDOORS, LLC

16. That at the time of Plaintiff's accident, the aforementioned crossbow was being used in a manner foreseeable by Defendant, BARNETT OUTDOORS, LLC

17. That because of the above-referenced defects, the aforementioned crossbow that caused Plaintiff's injuries was not fit for the purpose for which it was intended.

18. That the Defendant, BARNETT OUTDOORS, LLC, is strictly liable in tort to Plaintiff.

19. That as a result of the negligence, carelessness, and recklessness of Defendant, BARNETT OUTDOORS, LLC, Plaintiff, KORRIE JOHNSON, was permanently and seriously injured, all to his damage in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS A THIRD, SEPARATE AND DISTINCT CAUSE OF ACTION ON BEHALF OF PLAINTIFF AGAINST DEFENDANT BARNETT OUTDOORS, LLC

20. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs "1" through "19" above as if set forth fully herein.
21. That Defendant, BARNETT OUTDOORS, LLC, made certain warranties, both express and implied, with respect to the aforementioned crossbow that caused Plaintiff's injuries.
22. That the warranties, both express and implied, breached by Defendant, BARNETT OUTDOORS, LLC, caused Plaintiff, KORRIE JOHNSON, to sustain permanent and serious injuries, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS A FOURTH, SEPARATE AND DISTINCT CAUSE OF ACTION ON BEHALF OF PLAINTIFF AGAINST DEFENDANT BARNETT OUTDOORS, LLC

23. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs "1" through "22" above as if set forth fully herein.
24. That the aforementioned crossbow that caused Plaintiff's injuries was inherently dangerous in that its use and operation placed Plaintiff in imminent danger.
25. That Defendant, BARNETT OUTDOORS, LLC, knew or should have known that the aforementioned crossbow was defective and unsafe and it was the duty of Defendant to warn Plaintiff of said dangers, and Defendant failed to do so.
26. That the failure of Defendant, BARNETT OUTDOORS, LLC, to warn Plaintiff of the defects and dangers caused Plaintiff, KORRIE JOHNSON, to sustain permanent and serious injuries, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, KORRIE JOHNSON, demands relief in judgment on his behalf and to receive damages on the allegations previously stated herein in an amount as may be just and proper based on the circumstances, together with the costs and disbursements of this action against the named Defendant; and for such other and further relief as to this Court may deem just and proper.

Dated: March 18, 2021
Buffalo, New York

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC

By: /s/ Andrew J. Connelly
Andrew J. Connelly, Esq.
Attorneys for Plaintiff
Office and Post Office Address
420 Franklin Street
Buffalo, New York 14202
Telephone: (716) 842-2200